

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: ELIZABETH BATES, Petitioner, v. GTE MIDWEST INCORPORATED, Respondent.	DOCKET NO. FCU-99-4 (C-99-154)
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ORDER GRANTING REQUEST FOR FORMAL COMPLAINT PROCEEDINGS

(Issued October 1, 1999)

On June 25, 1999, Elizabeth Bates filed an informal complaint with the Utilities Board (Board), identified as Docket No. C-99-154. Ms. Bates stated GTE Midwest Incorporated (GTE) had omitted her name and telephone number from the telephone directory. On July 8, 1999, GTE responded to the complaint and stated that on January 6, 1999, an order was written to remove a business listing and reestablish service under Jack and Elizabeth Bates. Although the business listing was removed, Jack and Elizabeth Bates' listing was inadvertently not included in the directory assistance database. Since it was not in the database, their number was not included in the telephone directory.

On July 12, 1999, the Board's staff issued a proposed resolution stating that since GTE had now added the listing to the directory assistance database and will publish the information in future directories, there was nothing else that could be done.

On July 27, 1999, Ms. Bates filed a request for formal complaint proceedings, stating she was concerned that customers will incur a charge when they call directory assistance to obtain her telephone number. She stated this charge might discourage people from calling. On August 9, 1999, GTE responded and stated customers are allowed two free calls per account per month and, therefore, callers will not always incur an expense for obtaining the number from directory assistance.

IOWA ADMIN. CODE 199-22.3(1)"f" (1999) states, "[i]n the event of an error or omission, in the name or number listing of a customer, that customer's correct name and telephone number shall be furnished to the calling party either upon request of interception by the telephone company." It is reasonable to interpret the term "furnished" in the rule to mean the company must provide the listing at no charge. Presumably, if it had been a situation in which GTE had been able to intercept calls, there would be no charge to the calling party. Therefore, the Board will grant Ms. Bates' request for formal complaint proceedings and direct GTE to provide the Bates' number at no charge to all parties who request it until the time the next directory is published.

Since there appear to be no disputed factual issues, the Board will not schedule a hearing at this time. GTE should immediately notify the Board if it finds it is technically impossible to comply with this order.

IT IS THEREFORE ORDERED:

1. The request for formal complaint proceedings filed by Elizabeth Bates on August 9, 1999, is granted.
2. GTE Midwest Incorporated shall immediately begin furnishing at no charge the telephone number of Jack and Elizabeth Bates to all parties who request it. This directive shall be in effect until the next telephone directory is published.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper
Executive Secretary, Deputy

/s/ Diane Munns

Dated at Des Moines, Iowa, this 1st day of October, 1999.